THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17735 OF 2005

Dated: 18th October, 2005.

Between:

G. Madhava Rao, S/o. Yarraiah … Petitioner

And

1. The District Scheduled Caste Cooperative Corporation Limited, Rep. by its President the District Collector, Prakasam Dist., Ongole, and another. … Respondents

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WRIT PETITION NO.17735 OF 2005

ORDER :

The petitioner claims to be an unemployed youth. The 1st respondent – District Scheduled Castes Cooperative Corporation Limited, Prakasam District, issued a Notification dated 3-12-2003 inviting applications from the candidates who are unemployed and desirous of getting self-employment subject to certain conditions. In pursuance thereof, the petitioner submitted his application and he also attended the interview conducted on 20-12-2003 in the Office of the Revenue Divisional Officer, Kandukur. The petitioner was selected for grant of Tractor loan under the Self-Employment Scheme for the year 2003-04 and the list of selected candidates, published on 25-1-2004, included the name of the petitioner. However, subsequently the name of the petitioner was deleted from the selection list. Aggrieved by the said action of the respondents in not sanctioning the loan to him, the petitioner filed this writ petition.

The petitioner states that though no order has been passed informing the reasons, it was learnt that the loan was denied to him on the ground that he has not possessed the driving licence. The contention of the petitioner is that the respondents are not justified in refusing to sanction the loan on the ground of not possessing the driving licence since as per Condition No.5 of the Notification dated 3-12-2003 such licence is required only for the purpose of grant of loans for Auto and Pick-up Van, but not Tractors. In any event, since the petitioner has subsequently obtained the driving licence on 28-3-2005, the action of the respondents in not considering the case of the petitioner is arbitrary and illegal.

On behalf of the respondents, a counter-affidavit has been filed stating that the list of selected candidates was approved on 25-01-2004 for Tractor units. The name of the petitioner was deleted since he is not eligible for allotment of Tractor unit as he is not having one year driving licence as per the Notification issued on 3-12-2003 and as per the guidelines of the Vice-Chairman & Managing Director, A.P.S.C.C.F.C. Limited, Hyderabad. The selection list was finalized by the then Joint Collector, Ongole after conducting interviews as per the guidelines issued by the Vice-Chairman and Managing Director, A.P.S.C.C.F.C. Limited, Hyderabad. While furnishing the list to the District Collector, Ongole for approval of the name of the petitioner and the petitioner not having permanent driving licence and one year

driving experience on the last date of receipt of applications i.e., 15-12-2003, and even on the date of approval of the list i.e, 25-01-2004. The petitioner has obtained licence on 31-01-2004 after conducting the interview. Hence, the name of the petitioner was deleted from the list of selected candidates.

It is also stated that out of four Tractor units, two Tractor units were reserved for SC-B candidates and two Tractor units were reserved for SC-C candidates. After deletion of the name of the petitioner, the District Collector issued orders to allot the remaining Tractor unit to the eligible candidates in Santhanuthalapadu Assembly Constituency area. Hence, the petitioner who is not eligible as per the conditions of the notification dated 3-12-2003 and as per the guidelines issued cannot be granted any relief.

Having heard the learned Counsel for the parties and having perused the material on record, I do not find any substance in the contentions of the writ petitioner. It is clear from the counter-affidavit filed on behalf of the respondents that the petitioner was not eligible for grant of loan since admittedly he did not possess the permanent driving licence as on the last date fixed for receipt of applications i.e., 15-12-2003. The petitioner does not dispute the said fact, but only contends that so far as grant of loans for the purpose of Tractor is concerned, possessing driving licence is not a condition precedent as per the Notification dated 3-12-2003. The said aspect has already been considered by the District Collector who is the competent authority to grant the loans under the Self-Employment Scheme and it was concluded that the petitioner was not eligible for grant of loan. I do not find any justifiable reason to interfere with such a decision of the competent authority in exercise of writ jurisdiction under Article 226 of the Constitution of India. Particularly in the absence of any allegation of mala fides and any material to show that the decision of the respondents was in violation of statutory provision, the interference by this Court is not at all warranted. That apart, the matter does not involve enforcement of any legal or statutory right since the loans in question were sought to be granted only under a scheme which has no statutory force. Hence, the interference under Article 226 of the Constitution of India is not warranted.

For the aforesaid reasons, the Writ Petition is devoid of any merit and accordingly the same is dismissed. No costs.

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18th October, 2005.

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